

Important Privacy Notice

Federal Rule of Civil Procedure 5.2 prohibits litigants in a non-habeas proceeding from submitting documents that contain personal information. Unless the Court orders otherwise, personal identifying information in Court filings must be limited as follows:

- Social security numbers, taxpayer-identification numbers, and financial **account numbers must include only the last four digits** (e.g., xxx-xx-1234)
- Birth dates must **include the year of birth only** (e.g., xx/xx/2000)
- Names of persons under the age of 18 must be indicated by **initials only** (e.g., A.B.)

You are responsible for protecting the privacy of this information in your filings. If your documents, including attachments, contain any information that does not comply with this rule, please black out that information before sending your documents to the Court.

REC'D MAY 10 2024

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

Avery James Hardaway

(In the space above enter the full name(s) of the plaintiff(s).)

- against -

Green Eggs Café

COMPLAINT

Jury Trial: ☐ Yes ☒ No

(check one)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	Avery J. Hardaway
	Street Address	412 W. Berks St
	County, City	Philadelphia, Philadelphia
	State & Zip Code	Pennsylvania 19122
	Telephone Number	617-968-7585

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Green Eggs Café Midtown
 Street Address 212 S. 13th St
 County, City Philadelphia, Philadelphia
 State & Zip Code Pennsylvania 19107

Defendant No. 2

Name Green Eggs Café Rittenhouse
 Street Address 33 S 18th St
 County, City Philadelphia, Philadelphia
 State & Zip Code Pennsylvania 19103

Defendant No. 3

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

Defendant No. 4

Name _____
 Street Address _____
 County, City _____
 State & Zip Code _____

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

- A. What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal Questions

☐ Diversity of Citizenship

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? Chapter 41 - Fraudulent Practices, 4107. Deception of

Kosher Food

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship Pennsylvania

Defendant(s) state(s) of citizenship Pennsylvania / New Jersey

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? Green Eggs Cafe Midtown, Green Eggs Cafe Rittenhouse, Green Eggs Cafe - Northern Liberties

B. What date and approximate time did the events giving rise to your claim(s) occur? 3/30/24, 4/15/24, 4/23/24, since 2011

C. Facts: Have been ordering "turkey" bacon with meals since 2016 and more recently in March and April. Have reason to believe that "turkey" bacon is not actually turkey but SPAM due to SPAM commercials being aired on the Food Network channel on televisions within Green Eggs Cafe while eating "turkey" bacon with meal. SPAM is not Kosher. Also can not find that particular cut of "turkey" bacon within grocery stores.

Was served "turkey" bacon that could actually be SPAM by waiters/servers which is prepared by cooks/chefs. The establishment lists "turkey bacon" on the menu. SPAM is not Kosher. Turkey bacon would be considered Kosher.

There could be customers along with other Green Eggs Cafe employees (former included) that may know that the "turkey bacon" may not actually be turkey but SPAM.

Green Eggs Cafe employees, distributors/vendors, customers/patrons, and anyone who actually views the order and/or menu. Also have reason to believe that ham or SPAM is being served due to the Dr. Seuss book titled "Green Eggs and Ham."

Turkey bacon misappropriation.

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

- Deception of myself and all other customers for over a decade
- Lack of trust of establishment as loyal customer / patron
- Being "unclean" / Bodily "defilement"
- Spiritual "disobedience"
- Financial loss due to deception
- Embarrassment
- No actual green (colored) eggs

Kosher: clean or fit to eat according to Jewish dietary laws - the Torah. The dietary laws can be found in the book of Leviticus, Chapters 11, 14 and 20.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

- A thorough investigation of the "turkey bacon" being prepared and served at Green Eggs Cafe
- \$1,000 for each existing location. $1000 \times 6 = \$6,000$
- \$1,000 for each egg in a cartridge (dozen) = \$12,000 or a baker's dozen because the pancakes are tasty = \$13,000
- \$1,000 for each year as a customer / patron = \$13,000
- \$13,000 some of this will be used to spend at the restaurant
- Student ID restored to myself as Tax refund did not appear in bank account upon dining at the Rittenhouse location.
- Withdrawal as applicant and potential employee.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of May, 2024.

Signature of Plaintiff Querry B. Hardaway
Mailing Address 412 W. Berk St
Philadelphia PA 19122
Apartment 1B
Telephone Number 617-968-7585
Fax Number (if you have one) _____
E-mail Address querryhardaway@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Clerk's Office of the United States District Court for the Eastern District of Pennsylvania.

Signature of Plaintiff: _____
Inmate Number _____